

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRANS STATES HOLDINGS, INC., and
COMPASS AIRLINES, LLC,

Plaintiffs,

v.

AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL,

Defendant.

Case No.: 4:10-cv-2315

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION
AND REQUEST FOR AN EXPEDITED HEARING

COME NOW, Plaintiffs Trans States Holdings, Inc. and Compass Airlines, LLC., pursuant to Federal Rule of Civil Procedure 65(a), and hereby file this Motion for a Preliminary Injunction seeking to enjoin Defendant Air Line Pilots Association, International from taking any further action seeking to prosecute Grievance No. CPZ-10—10 (MEC) pending the Court's disposition of this lawsuit. In support of this Motion, Plaintiffs states as follows:

1. Plaintiffs have filed herewith a Verified Complaint and supporting Declaration seeking, among other things, a preliminary injunction against Defendant. Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs request entry of a preliminary injunction restraining and preventing Defendant and those persons acting in concert and participation with Defendant from taking any further action seeking to prosecute Grievance No. CPZ-10—10 (MEC) pending the Court's disposition of this lawsuit.

2. Plaintiffs will suffer irreparable harm if Defendant is permitted to prosecute

Grievance No. CPZ-10—10 (MEC), as more fully described in their Verified Complaint, Supporting Declaration, and Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction.

3. The harm resulting to Plaintiffs if the requested relief is denied outweighs the potential harm to Defendant if such relief is granted.

4. There is a substantial likelihood that Plaintiffs will prevail upon the merits in this case.

5. The public interest is best served by entry of the requested preliminary injunction.

6. Entry of the requested relief is otherwise just and proper.

7. In light of the December 29, 2010 deadline set forth in the Compass/ALPA collective bargaining agreement for the parties to conduct a hearing before the System Board of Arbitration concerning the Grievance that is at issue in this lawsuit, Plaintiffs respectfully request that the Court schedule a hearing on this Motion before that date.

8. In addition, as set forth in the Motion to Expedite Discovery filed herewith, Plaintiffs also respectfully request that they be permitted to conduct a very limited amount of expedited discovery in advance of that hearing.

9. Plaintiffs incorporate by reference herein their Verified Complaint, Supporting Declaration, and Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction.

WHEREFORE, Plaintiffs respectfully request that the Court enter a preliminary injunction restraining and preventing Defendant, and those persons acting in concert and participation with Defendant, from taking any further action seeking to prosecute Grievance No. CPZ-10—10 (MEC) pending the Court's disposition of this lawsuit, and that the Court grant such other and

further relief as the Court may deem just and proper, as more fully prayed for in Plaintiffs'

Verified Complaint filed herewith.

Dated: December 10, 2010.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART

/s/Rodney A. Harrison

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